

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CONCORD AT THE VINEYARDS  
CONDOMINIUM ASSOCIATION,  
INC.,

Plaintiff,

v.

Case No.: 2:21-cv-380-SPC-MRM

EMPIRE INDEMNITY  
INSURANCE COMPANY,

Defendant.

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**ORDER**<sup>1</sup>

This insurance dispute was stayed in October pending Plaintiff's completion of disputed post-loss conditions. ([Doc. 26](#)). Before the Court is the parties' Joint Status Report, where each party provides its position on whether the stay should be lifted and how the case should proceed. ([Doc. 27](#)). Plaintiff states it has complied with requested post-loss conditions and the stay can be lifted. ([Doc. 27 at 5-6](#)). Defendant believes that Plaintiff has not complied with post-loss conditions but does not explain what post-loss conditions remain. ([Doc. 27 at 7](#)). Defendant also states it has been unable to review its expert's

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

final inspection report and until doing so it cannot determine whether Plaintiff's estimate has any merit and whether any additional payments are due on the claim. But the Court did not stay the case pending completion and review of expert reports. The Court stayed the case so Plaintiff could comply with Defendant's new demands that follow up on Plaintiff's undisputed post-loss conduct. ([Doc. 26 at 3](#)). Thus, the parties' efforts should be focused there. Plaintiff believes it has satisfied post-loss conditions. Defendant asserts the contrary.

Given the parties' disagreement, the Court will not yet lift the stay, but will give a timeframe for Defendant to provide Plaintiff with a list of any post-loss conditions that Plaintiff has not met. The parties should work together to ensure any outstanding post-loss conditions are complete before the next 60-day status report is due (February 2, 2022).

Accordingly, it is now


**ORDERED:**

1. This case remains **STAYED**.
2. Defendant must provide Plaintiff with a detailed list of post-loss conditions that Plaintiff has not yet satisfied by **December 23, 2022**.

If Defendant does not provide a list or says that all existing post-loss conditions have been met, Plaintiff should file a notice that the stay can be lifted.

3. The parties are **DIRECTED** to file a joint status report on whether the stay is ready to be lifted by **February 2, 2022**.

**DONE** and **ORDERED** in Fort Myers, Florida on December 9, 2021.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record